

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SHAWN JAMES ALLEN WOODALL,

Petitioner,

vs.
WILLIAM GORE, Sheriff of San Diego
County, *et al.*,

Respondents.

Case No. 13cv2397 DMS (BGS)

ORDER DISMISSING PETITION

Petitioner Shawn James Allen Woodall, a former state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus under 28 U.S.C. Section 2254. He challenges on due process grounds an April 17, 2012 probation revocation. The petition was referred to United States Magistrate Judge Bernard G. Skomal for a report and recommendation pursuant to 28 U.S.C. Section 636(b)(1)(B) and Civil Local Rule 72.1(d).

Respondent filed a motion to dismiss the petition for lack of subject matter jurisdiction, among other grounds. Petitioner did not oppose the motion. On January 6, 2014, the Magistrate Judge issued a Report and Recommendation recommending dismissal on jurisdictional grounds. Petitioner has not filed objections.

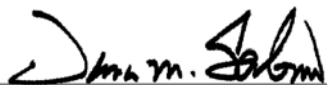
A district judge "may accept, reject, or modify the recommended disposition" on a dispositive matter prepared by a magistrate judge proceeding without the consent of the parties for all purposes. Fed. R. Civ. P. 72(b); *see* 28 U.S.C. § 636(b)(1). "The court shall make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. §

1 636(b)(1). When no objections are filed, the *de novo* review is waived. Section 636(b)(1) does not
2 require review by the district court under a lesser standard. *Thomas v. Arn*, 474 U.S. 140, 149-50
3 (1985). The "statute makes it clear that the district judge must review the magistrate judge's findings
4 and recommendations *de novo if objection is made, but not otherwise.*" *United States v. Reyna-Tapia*,
5 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (emphasis in original); see *Schmidt v. Johnstone*, 263
6 F. Supp. 2d 1219, 1225-26 & n.5 (D. Ariz. 2003) (applying *Reyna-Tapia* to habeas review).

7 In the absence of objections, the Court adopts the Report and Recommendation. Petitioner is
8 no longer in custody as a result of the April 17, 2012 probation revocation he is challenging, and is
9 not suffering from any collateral consequences of that decision. The petition is dismissed for the
10 reasons stated in the Report and Recommendation. For the same reasons, certificate of appealability
11 is also denied.

12 **IT IS SO ORDERED.**

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14 DATED: April 10, 2014

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17 HON. DANA M. SABRAW
18 United States District Judge
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